

REMARKS

Reexamination and reconsideration are respectfully requested in light of these amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 1, 3-6, 8-16, 18-22, 51, 60-68 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The preamble of independent claim 1, from which the other claims depend, has been amended to state that the system is used on an individual. Applicant does not intend to claim any part of an individual and is not suggesting that an individual is part of the present invention. Applicant requests the Examiner to take judicial notice that it is understood that the various stated body parts, such as neck, back, waist, shoulders, sternum, and skin, are common knowledge to be part of an individual and should not be considered claimed elements. Any reference to a body part should be understood as being used only for spatial orientation and should not be considered as part of the claim. Applicant requests the rejection be removed and the claims be passed to allowance.

Claim Rejections 35 U.S.C. § 103

Claims 1, 3-6, 8-16, 18-22, 51, 68 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bond et al. in view of Talish et al. ('070). Claims 60-67 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bonds in view of Talish and further in view of Barsotti et al. Claim 8 has been incorporated into independent claim 1 to state that the ultrasound applicator further includes an "ultrasound transducer being sized to provide a power density not exceeding 3 watts/cm² at a maximum total power output of no greater than 200 watts operating at a fundamental therapeutic frequency not exceeding 500 kHz." Neither Bond nor Talish nor Barsotti suggest or teach a system that provides a having an ultrasound transducer that is sized specifically within the stated operating range. The operating parameters in combination with the specific dimensions so that the system can be worn on the chest are not obvious. Bond does not suggest such a device. Talish only discusses and is only related to using ultrasonic energy for treatment of reflex sympathetic disorder (RSD). Talish does not suggest or teach any use by the described device other than for treatment of RSD, and the operating frequencies of Talish would not be within the range recited in the present invention. It would not have been obvious to combine Bond with Talish to

arrive at the present invention, since there is no suggestion or teaching in Bond to modify a device that is used only for treatment of RSD to arrive at the specifically sized device of the present invention having the specific operating parameters.

Applicant has added claim 69 to recite an ECG as an element of the system. Neither Bond nor Talish nor Barsotti nor Peterson teaches or suggests a stabilization assembly for a chest-mounted ultrasound applicator that allows an ECG to be placed laterally alongside the applicator on the chest at the same time the applicator is being used. In Talish (Fig. 2), an applicator is mounted on the chest by a belt that covers the chest on both lateral sides of the applicator so that the applicator may be stabilized on the person's chest. There is nothing in the cited prior art that teaches or suggests or contemplates stabilizing an ultrasound applicator on the chest of an individual in transit while also making possible the simultaneous placement of the ECG on the chest alongside the ultrasound applicator. Placement of the ECG allows the system to be used for further diagnostic and monitoring purposes while in transit previously not realized in the prior art. Applicant would like to take note that it is understood that lateral does not refer to a top or bottom spacing when dealing with the human body.

lat·er·al *adjective* : of or relating to the side; *especially, of a body part* : lying at or extending toward the right or left side : lying away from the median axis of the body <the lungs are *lateral* to the heart> <the *lateral* branch of the axillary artery>
<http://dictionary.reference.com/search?q=lateral>

Accordingly, above and below the module should not be considered lateral to the module, and claim 69 further patentably distinguish the present invention and allowance is respectfully requested.

Application Serial No. 10/034,833

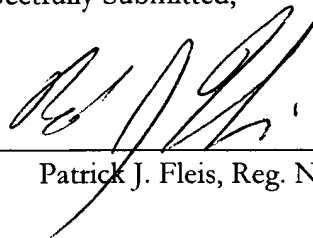
Amendment A

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For these reasons, allowance of claims 1; 3 to 6; 9 to 16; 18 to 22; 51; and 60 to 69 is respectfully requested.

Respectfully Submitted,

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Enclosures: Amendment transmittal
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